

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86770850
LAW OFFICE ASSIGNED	LAW OFFICE 120
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86770850/large
LITERAL ELEMENT	FEAT
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<p>The Examining Attorney has refused registration under Section 2 (d) of the Act based on a registration of FEATS for “planning developing and executing live special events” in class 41 and “strategic business planning for live special events and conducting associated advertising, marketing and promotional services” in class 35. Applicant respectfully disagrees.</p> <p>Although the marks are similar, the services are vastly different. The registered mark covers live special events. As indicated on the registrant’s web site (“Making Experiences Matter”) and the attached evidence, a “live special event” is a one-time event of limited duration such as a trade show, exhibition, fundraiser, party or other event. These services are provided by specialists in arranging such events and their venues. These are sophisticated “party planners” who would offer their services to sophisticated trade associations, corporations and non-profits.</p> <p>By contrast, Applicant’s services are “Business advisory services in the field of family owned businesses; Business appraisals; Business assistance, advisory and consulting services in the field of family owned businesses; Business evaluation of family owned businesses; Business organization advice; Business planning; Business succession planning.” As reflected in the specification, Applicant’s services are directed toward counselling family owned businesses on management-type issues: succession planning, evaluations, appraisals, and the like. (See the specimen submitted with the application.) These services are wholly unrelated to “live special event planning.” The Examining Attorney has submitted no evidence suggesting that advisors to the management of family businesses also provide live special events.</p> <p>For these reasons, Applicant respectfully that the objection be withdrawn and the application approved for publication.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	035
DESCRIPTION	
Business advisory services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business appraisals; Business assistance, advisory and consulting services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business evaluation of family owned businesses; Business organization advice; Business planning; Business succession planning	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/05/2015
FIRST USE IN COMMERCE DATE	At least as early as 08/05/2015
GOODS AND/OR SERVICES SECTION (proposed)	

INTERNATIONAL CLASS	035
TRACKED TEXT DESCRIPTION	
Business advisory services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business appraisals ; Business appraisals of family businesses ; Business assistance, advisory and consulting services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business evaluation of family owned businesses; Business organization advice ; Business organization advice for family owned businesses ; Business planning ; Business planning for family owned businesses ; Business succession planning ; Business succession planning for family owned businesses	
FINAL DESCRIPTION	
Business advisory services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business appraisals of family businesses; Business assistance, advisory and consulting services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business evaluation of family owned businesses; Business organization advice for family owned businesses; Business planning for family owned businesses; Business succession planning for family owned businesses	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 08/05/2015
FIRST USE IN COMMERCE DATE	At least as early as 08/05/2015
SIGNATURE SECTION	
RESPONSE SIGNATURE	/pwr/
SIGNATORY'S NAME	Paul W. Reidl
SIGNATORY'S POSITION	Attorney of Record, Member CA Bar
SIGNATORY'S PHONE NUMBER	(650) 560-8530
DATE SIGNED	10/22/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Sat Oct 22 13:07:39 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XX-20 161022130739359657-867708 50-570d5127bf250ec174a621 1e8854895eb697551ec43a6a3 45ae95954a0aa7aa7d9-N/A-N /A-20161022130418828644

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PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

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To the Commissioner for Trademarks:

Application serial no. **86770850** FEAT(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86770850/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The Examining Attorney has refused registration under Section 2 (d) of the Act based on a registration of FEATS for “planning developing and executing live special events” in class 41 and “strategic business planning for live special events and conducting associated advertising, marketing and promotional services” in class 35. Applicant respectfully disagrees.

Although the marks are similar, the services are vastly different. The registered mark covers live special events. As indicated on the registrant’s web site (“Making Experiences Matter”) and the attached evidence, a “live special event” is a one-time event of limited duration such as a trade show, exhibition, fundraiser, party or other event. These services are provided by specialists in arranging such events and their venues. These are sophisticated “party planners” who would offer their services to sophisticated trade associations, corporations and non-profits.

By contrast, Applicant’s services are “Business advisory services in the field of family owned businesses; Business appraisals; Business assistance, advisory and consulting services in the field of family owned businesses; Business evaluation of family owned businesses; Business organization advice; Business planning; Business succession planning.” As reflected in the specification, Applicant’s services are directed toward counselling family owned businesses on management-type issues: succession planning, evaluations, appraisals, and the like. (See the specimen submitted with the application.) These services are wholly unrelated to “live special event planning.” The Examining Attorney has submitted no evidence suggesting that advisors to the management of family businesses also provide live special events.

For these reasons, Applicant respectfully that the objection be withdrawn and the application approved for publication.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Business advisory services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business appraisals; Business assistance, advisory and consulting services in the field of family owned businesses, namely, namely, records management, planning, human resources and succession; Business evaluation of family owned businesses; Business organization advice; Business planning; Business succession planning

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 08/05/2015 and first used in commerce at least as early as 08/05/2015 , and is now in use in such commerce.

Proposed:

Tracked Text Description: Business advisory services in the field of family owned businesses, namely, records management, planning, human resources and succession; ~~Business appraisals;~~ [Business appraisals of family businesses;](#) Business assistance, advisory and consulting services in the field of family owned businesses, namely, namely, records management, planning, human resources and succession; Business evaluation of family owned businesses; ~~Business organization advice;~~ [Business organization advice for family owned businesses;](#) ~~Business planning;~~ [Business planning for family owned businesses;](#) ~~Business succession planning;~~ [Business succession planning for family owned businesses](#)

Class 035 for Business advisory services in the field of family owned businesses, namely, records management, planning, human resources and succession; Business appraisals of family businesses; Business assistance, advisory and consulting services in the field of family owned businesses, namely, namely, records management, planning, human resources and succession; Business evaluation of family owned businesses; Business organization advice for family owned businesses; Business planning for family owned businesses; Business succession planning for family owned businesses

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 08/05/2015 and first used in commerce at least as early as 08/05/2015 , and is now in use in such commerce.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /pwr/ Date: 10/22/2016

Signatory's Name: Paul W. Reidl

Signatory's Position: Attorney of Record, Member CA Bar

Signatory's Phone Number: (650) 560-8530

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's

appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86770850

Internet Transmission Date: Sat Oct 22 13:07:39 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XX-20161022130739359

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N/A-N/A-20161022130418828644